

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ESTATE OF RYAN VIOLA; ALICE
VIOLA; and SAMUEL VIOLA, JR.,
Plaintiffs,**

v.

**TOWNSHIP OF BENSLEM;
BENSLEM TOWNSHIP POLICE
DEPARTMENT; and ARMOUR AND
SONS ELECTRIC, INC.,
Defendants.**

CIVIL ACTION

NO. 14-5914

ORDER

AND NOW, this 4th day of March, 2015, upon consideration of Defendants Township of Bensalem and Bensalem Police Department's Partial Motion to Dismiss Plaintiff's Complaint [ECF No. 6]; Defendant Bensalem School District's Motion to Dismiss Plaintiff's Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) [ECF No. 13]; and Defendant Armour and Sons Electric, Inc.'s Motion for Partial Dismissal of Plaintiff's Complaint [ECF No. 8], and the Plaintiff's responses in opposition thereto [ECF Nos. 14, 15, 16] **IT IS ORDERED** that:

- (1) Defendants Township of Bensalem and Bensalem Police Department's Partial Motion to Dismiss Plaintiff's Complaint [ECF No. 6] and Defendant Bensalem School District's Motion to Dismiss Plaintiff's Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) [ECF No. 13] are **GRANTED IN PART**. Count I of the Complaint is **DISMISSED WITH PREJUDICE**.
- (2) All other claims are **DISMISSED WITHOUT PREJUDICE**. The without prejudice dismissal is solely so that the Plaintiffs may file their state law claims in state court where all parties agree, given the dismissal of the Section 1983 count, this lawsuit should be;

(3) The Clerk of Court is **ORDERED** to **CLOSE** this case.

BY THE COURT:

/s/ Wendy Beetlestone

WENDY BEETLESTONE, J.